

## PATENT

**REMARKS**

In the Office Action, claim 38 is objected to because of informalities.

In the Office Action, claim 32 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

In the Office Action, claims 29-41 and 47-49 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 5,411,537 to Munshi et al.

In the Office Action, claims 38 and 47-50 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 6,650,942 to Howard et al.

In the Office Action, claims 43 and 44 are rejected under 35 U.S.C. §103(a) as being unpatentable over Munshi et al. in view of U.S. Patent Number 5,741,307 to Kroll.

In the Office Action, claims 42 and 50 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 5,411,537 to Munshi et al.

In the Office Action, claim 46 is rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Number 5,411,537 to Munshi et al.

In the Office Action, claims 1, 2, 4, 5, 12, 13, 29, and 32-35 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 8 of U.S. Patent Number 6,549,807 to Kroll in view of U.S. Patent No. 5,741,307 to Kroll.

In the Office Action, claims 3, 6, 11, 30, and 31 would be allowable if rewritten or amended to overcome the non-statutory double patenting rejection set forth in this Office Action.

In the Office Action, claims 36 and 37 are allowed over the prior art of record.

In response thereto, claims 38 and 47-50 have been cancelled and claims 32, 39, and 43 have been amended. Accordingly, claims 1-6, 11-13, 29-37, and 39-46 are now pending. Following is a discussion of the patentability of each of the pending claims.

## PATENT

Preliminary Matter

In response to the rejection under 35 U.S.C. §112, second paragraph, the following amendments have been made: claim 32, line 20, "the" has been replaced with --a--; claim 32, line 21, "a" has been replaced with --the--; and claim 43, lines 8-9, --, the capacitor charge cycle defining a charge cycle time-- has been added after "cycle". Accordingly, claims 32 and 43 are in full compliance with the requirements of 35 U.S.C. §112, second paragraph.

In response to the rejection of claims 1, 2, 4, 5, 12, 13, 29, and 32-35 under the judicially created doctrine of obviousness-type double patenting, a terminal disclaimer in compliance with 37 CFR Section 1.321(c) and signed by the undersigned attorney is enclosed herewith that obviates the above double patenting rejection. Also, an Associate Power of Attorney is filed herewith that makes the undersigned attorney of record in this application. Accordingly, withdrawal of the rejection of these claims under the judicially created doctrine of obviousness-type double patenting is respectfully requested.

Independent Claims 1, 29, and 32

A terminal disclaimer has been enclosed herewith in response to the judicially created doctrine of obviousness-type double patenting. Accordingly, it is respectfully submitted that independent claims 1, 29, and 32 are in condition for allowance.

Dependent Claims 2-6, 11-13, 30, 31, and 33-35

Claims 2-6 and 11-13 depend from claim 1 and are similarly patentable, and claims 30, 31 and 33-35 depend from claim 29 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

Independent Claims 36 and 37

Claims 36 and 37 are allowed over the prior art of record.

## PATENT

Independent Claim 39

For at least the same reasons for finding claim 1 allowable, it is respectfully submitted that claim 39 is in condition for allowance.

Dependent Claims 40-42

Claims 40-42 depend from claim 39 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

Independent Claim 43

For at least the same reason for finding claim 37 allowable, it is respectfully submitted that claim 43 is in condition for allowance.

Dependent Claims 44-46

Claims 44-46 depend from claim 43 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

CONCLUSION

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

3/2/05  
Date

Ronald S. Tamura  
Ronald S. Tamura, Reg. No. 43,179  
Patent Attorney for Applicants

Enclosures: Terminal Disclaimer

**CUSTOMER NUMBER: 36802**